

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

Case Number: 12-815 M(NJ)

A 15 1/2," x 11," x 1 1/2," United States Postal Service Express Mail Envelope bearing number EG428725218US (the SUBJECT PARCEL). The parcel bears a handwritten label addressed to Chris Ford, 802 E. 18th St., Apt. 3, Oakland, CA 94606, with a return address of Toure Moore, 2157 N. 48th St., Milwaukee, WI 53208. The SUBJECT PARCEL was postmarked on March 5, 2012 at Milwaukee, WI 53210 and weighs 5 ounces.

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Daniel J. Kakonis, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A 15 1/2," x 11," x 1 1/2," United States Postal Service Express Mail Envelope bearing number EG428725218US (the SUBJECT PARCEL). The parcel bears a handwritten label addressed to Chris Ford, 802 E. 18th St., Apt. 3, Oakland, CA 94606, with a return address of Toure Moore, 2157 N. 48th St., Milwaukee, WI 53208. The SUBJECT PARCEL was postmarked on March 5, 2012 at Milwaukee, WI 53210 and weighs 5 ounces.

located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 843(b).

The application is based on these facts:

- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date March 6th, 2012

City and state: Milwaukee, Wisconsin

Applicant's signature

Name and Title: Postal Inspector

Judge's Signature

THE HONORABLE NANCY JOSEPH

United States Magistrate Judge

Name & Title of Judicial Officer

AFFIDAVIT

I, Daniel J. Kakonis, being duly sworn on oath, state as follows:

1. I am a United States Postal Inspector currently assigned to the Milwaukee Field Office of the United State Postal Inspection Service. I have been employed as a Postal Inspector for over 24 years. My primary duties include investigating the transportation of controlled substances or proceeds/payments through the U. S. Mail. As a Postal Inspector, I have been involved in hundreds of investigations of narcotics trafficking through the United States mail. Based upon my experiences as a federal law enforcement officer, I know that the United States mails are sometimes used to deliver controlled substances and payment/proceeds thereof.

2. The information contained in this affidavit is either the result of personal observations and investigation, the review of law enforcement files or records, postal records, or it has been relayed to me by other law enforcement agents or citizen witnesses, all of whom I believe to be reliable.

3. I have not included in this affidavit each and every fact known to me regarding this investigation, but only those relating to determining whether there is probable cause to believe that items seized will be found in the places to be searched and whether those items are evidence of the offenses identified in this affidavit.

PURPOSE OF AFFIDAVIT

4. This affidavit is made in support of a search warrant for the SUBJECT PARCEL described below in paragraph 5, for items which constitute the fruits, instrumentalities, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance)

and 843(b) (Unlawful Use of a Communication Facility (including the mails) to Facilitate the Distribution of a Controlled Substance).

PARCEL TO BE SEARCH

5. This affidavit is made in support of an application for a search warrant for United States Postal Service Express Mail Parcel EG428725218US (the SUBJECT PARCEL). The SUBJECT PARCEL is a USPS Express Mail Envelope, measuring approximately 15 ½," x 11," x 1 ½," and weighs 5 ounces. The parcel bears a handwritten label addressed to Chris Ford, 802 E. 18th St., Apt. 3, Oakland, CA 94606, with a return address of Toure Moore, 2157 N. 48th St., Milwaukee, WI 53208. The SUBJECT PARCEL was postmarked on March 5, 2012 at Milwaukee, WI 53210.

ITEMS TO BE SEIZED

6. The following are items to be seized from the SUBJECT PARCEL, which constitutes the fruits, instrumentalities, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility, including the mails, to Facilitate the Distribution of a Controlled Substance):

- a. Any controlled substance
- b. Currency, money orders, bank checks, or similar monetary instruments in quantities over \$100

INVESTIGATION OF THE SUBJECT PARCEL

7. I review express mail labels delivered to and sent from the Milwaukee area to source narcotic areas. I do this because I know based on my training and experience that drug traffickers will often use express mail service, which is the USPS

overnight/next day delivery product. Drug traffickers use the express mail delivery services because of their speed, reliability, and the ability to track the article's progress to the intended delivery point.

8. I am aware that California is a source area for controlled substances. As such, controlled substances are frequently transported from California via the United States Mail, and the proceeds from the sale of the controlled substances are frequently returned to California via the United States Mail. These proceeds are generally in large amounts of money, over \$100.

9. I know from my experience and training that drug traffickers often use fictitious or incomplete names and/or addresses in an effort to conceal their identity from law enforcement officers when mailing narcotics.

10. The following Express Label mailings are associated with the addresses on the SUBJECT PARCEL:

a. On 10/03/11, 7 lb. 4 oz. Express Mail package EG134134565US was mailed from Marina, CA and addressed to Robert Patten, 2025 N. 21st Lane, Milwaukee, WI 53205. This package bore a return address of Ryan Sperber, 3125 Fredericksburg Ct., Marina, CA 93933. I researched Accurant, which is a public information database utilized by law enforcement that provides names, addresses, telephone numbers and other identifying information. The name Sperber could not be associated with the return address. The name Patten could not be associated with the Milwaukee address.

b. On 10/11/11, 8 oz Express Mail package EG894221433US was mailed from Milwaukee, WI and delivered to Andre Patton, 802 E. 18th St. Apt. 3, Oakland, CA 94606. The package bore a return address of Emily Morris, 2157 N. 48th St., Milwaukee, WI 53208. Accurant did not associate the name Patton with the Oakland address and the name Morris was not associated with Milwaukee return address.

c. On 10/14/11, 4 lb. 13 oz. Express Mail package EG134133216US was mailed from Marina, CA and addressed to Michael Patten, 2025 N. 21st Lane, Milwaukee, WI 53205. This package bore a return address of Ryan Sperber, 3125 Fredericksburg Ct., Marina, CA 93933. The name Sperber could not be associated

with the return address. The name Patten could not be associated with the Milwaukee address.

d. On 11/8/11, 7.1 oz. Express Mail package EG894222442US was mailed from Milwaukee, WI and delivered to A. Patton, 802 E. 18th Apt. 3, Oakland, CA 94606. The package bore a return address of Ray Moore, 2157 N. 48th St., Milwaukee, WI 53208. The last name Moore was associated with the return address, but not the first name Ray. The name Patton was not associated with Oakland address.

e. On 11/22/11, 6 lb. 14 oz. Express Mail package EG134133202US was mailed from Marina, CA and addressed to Larry Patton, 2157 N. 48th St., Milwaukee, WI 53208. This package bore a return address of Ryan Sperber, 3125 Fredericksburg Ct., Marina, CA 93933. On 11/23/11, the regular letter carrier, who did not recognize the name Patton at 2157 N. 48th St. inquired with a male resident at the address. The letter carrier was told that a friend of his was staying with him for a few weeks or months. The male resident told the letter carrier his friend's last name was Patton, but he did not know his first name. A supervisor scanned the package as "returned to sender – addressee unknown" and reported the suspicious package to postal inspectors. On 11/28/11, Postal Inspector M.D. Spellman obtained a positive alert from Milwaukee Police Detective Eugene S. Nagler and his canine "Duke", who are trained and certified in the detection of dangerous drugs and on 11/29/11 obtained a federal search warrant for the package. It was found to contain approximately 531grams of marijuana, shrink wrapped and concealed inside a cooler with coffee grounds. Accurint did not associate the name Patton with the Milwaukee address and the name Sperber could not be associated with the return address.

f. On 1/13/12, Express Mail package EG894224443US was mailed from Milwaukee, Wisconsin and delivered to Chris Ford, 802 E. 18th St., Apt. 3, Oakland, CA 94606. The package bore a return address of Toure Moore, 2157 N. 48th St., Milwaukee, WI 53208. Toure Moore was associated with the Milwaukee address in Accurint and Chris Ford was associated with the Oakland address.

g. On 1/17/11, 2 lb. 15 oz. Express Mail package EI235494275US was mailed from Oakland, CA and addressed to Cherie Lockhart, 2434 West Well Street, Milwaukee, WI 53233. This package bore a return address of Chris Ford, 802 E. 18 Street, Apt. 3, Oakland CA 94606. Chris Ford was associated with the Oakland address in Accurint and Cherie Lockhart was associated with 2434 W. Wells St., Apt. 104. On March 6, 2012, I spoke with the Letter Carrier for 2434 W. Wells Street and he advised the address is an apartment building and Cherie Lockhart lives in apartment 104 and works in the office at the apartment building.

h. On 2/07/12, 4 oz. Express Mail package EG894225276US was mailed from Milwaukee, WI and delivered to Chris Ford, 802 E. 18th St., Apt. 3, Oakland CA 94606. The package bore a return address of Toure Moore, 2157 N. 48th St.,

Milwaukee, WI 53208. Toure Moore was associated with the Milwaukee address in Accurint and Chris Ford was associated with the Oakland address.

i. On 2/10/11, 6 lb. 7 oz. Express Mail package EG918971884US was mailed from Oakland, CA and addressed to Cherie Lockhart, 2434 W. Wells St., Apt. 104, Milwaukee, WI 53233. This package bore a return address of Chris Ford, 802 E. 18 Street, Apt. #3, Oakland, CA 94606. Chris Ford was associated with the Oakland address in Accurint and Cherie Lockhart was associated with 2434 W. Wells St., Apt. 104.

11. The handwriting on the Express Mail labels on the three packages mailed from Marina, California (a, c, and e) appear to be written by the same individual. The handwriting on all the Express Mail labels mailed from Milwaukee appear to be written by the same individual. The handwriting on the two packages from Chris Ford (g and i) does not appear to be written by the same person.

12. On March 5, 2012, Inspector Kakonis saw the SUBJECT PARCEL while reviewing outgoing Express Mail packages at the Milwaukee Post Office. Inspector Kakonis picked up the parcel described in paragraph 5 and made arrangements to bring a narcotics detecting canine from the Milwaukee Police Department to the Milwaukee Postal Inspection Service Office. On March 6, 2012, I met with Milwaukee Police Detective Eugene S. Nagler and his canine "Duke", who are trained and certified in the detection of dangerous drugs by the North American Police Work Dog Association. Detective Nagler and Duke were originally certified on June 25, 2004, and are recertified annually with a recent recertification on June 6, 2011. The controlled substances they are certified in detecting include marijuana, heroin, and cocaine. Detective Nagler stated Duke has alerted, over 500 times, including training, to the presence of controlled substances he is trained to detect. Duke alerts have been the basis for more than 100 search warrants, and more than 100 searches of motor vehicles. In addition, according to

Inspection Service records Duke has successfully alerted to controlled substances on U.S. Mail parcels and letters on 81 occasions since February of 2008, for a success rate of 100%. Detective Nagler informed me that Duke's alert indicates the presence of controlled substances or other items, such as proceeds of controlled substances, which have been recently contaminated with, or associated with, the odor of one or more controlled substances.

13. On March 6, 2012, I placed the aforementioned parcel on the floor in the Milwaukee Postal Inspection Service Office with five other similar parcels. Duke alerted on the parcel addressed to Chris Ford, 802 E. 18th St., Apt. 3, Oakland, CA 94606, described in paragraph 5 above, by scratching and biting at it. Detective Nagler advised these actions are consistent with Duke detecting the odor of controlled substances. Duke did not alert on any of the other five parcels.

14. I believe that based upon the evidence described above, there is probable cause to indicate that the contents of the SUBJECT PARCEL, addressed to Chris Ford, 802 E. 18th St., Apt. 3, Oakland, CA 94606 is drug related, and thus constitutes the fruits, instrumentalities, and evidence of violation of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility, including the mails, to Facilitate the Distribution of a Controlled Substance).